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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,249	10/25/2001	Thomas A. Sexton	873.0101.U1(US)	2115

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EXAMINER

MERED, HABTE

ART UNIT	PAPER NUMBER
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2662

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/004,249	SEXTON ET AL.	
	Examiner	Art Unit	
	Habte Mered	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed on 22 July 2005 has been entered and fully considered.
2. Claims 1-20 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **1,2, 4-8, and 10-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourlas et al (US Pub. No. 2002/0119783), hereinafter referred to as Bourlas, in view of Demjanenko et al (US Pub. No. 2002/0051501), hereinafter referred to as Demjanenko.

Bourlas discloses an adaptive call admission control for use in a wireless communication system.

5. Regarding **claims 1, 14, and 18**, Bourlas discloses a method for granting system access to mobile stations, comprising: receiving a call admission request from a mobile station at the edge of a cell (**See Paragraphs 8, 9, 27 and 28; In Bourlas' system the base station receives call admission requests from any mobile in the cell it serves.**); and granting system resources to the mobile station based at least in part on a bandwidth requirement of the mobile station, wherein for a mobile station having a high bandwidth requirement, the mobile station is preferentially granted system resources, *as compared to another mobile station having a lower bandwidth*

requirement (In Paragraphs 39 and 40 Bourlas teaches that a mobile seeking a T1-type continuous data services is granted more bandwidth as opposed to a mobile seeking a TCP/IP bursty data services provided the bandwidth availability in the system and other parameters allow such a preferential allocation.), by being assigned a plurality of time slots per frame for forming one radio information block (See Paragraphs 9, 30-33, 39, 45, 80-82 and Figure 4).

Bourlas teaches that various schemes of quadrature amplitude modulation (QAM) can be used but fails to expressively disclose the modulation schemes are operated with a coding technique that employs an iterative decoding technique.

Demjanenko discloses a technique for coding and decoding signals used in data transmission over wired and wireless systems that use Turbo Codes.

Demjanenko teaches a system that is operated with a coding technique that employs an iterative decoding technique. (See Paragraph 681; Demjanenko teaches the received signal is demodulated and a decoded bit stream is produced by iteratively decoding the demodulated signal.)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bourlas' apparatus to incorporate iterative decoding technique, the motivation being to ensure that the extra coding gained by Turbo Codes is realized.

6. Regarding **claim 7**, Bourlas discloses a cellular communications system, comprising: a plurality of mobile stations located within at least one cell (See Figure 1, elements 104); a base transceiver station (BTS) for servicing the cell (See Figure 1,

element 102); a base station controller (BSC) coupled to the BTS **(It is inherent for a base station 102 in Figure 1 deploying TDMA/TDD to be coupled to a Base station Controller in cellular systems such as GSM)**; and a Call Admission processor coupled to the BTS for receiving a call admission request from mobile stations located in the cell served by the BTS **(Figure 3, element 206 is a Call Admission Control Module)** shows, the processor granting cellular communications system resources to the mobile stations based at least in part on level of service required by the mobile Stations **(See Paragraphs 43-45)** and on a location of the mobile stations within the cell, wherein for a mobile station having a high bandwidth requirement that is determined to be located at the edge of the cell **(See Paragraphs 26-28)**, the mobile station is preferentially granted system resources by being assigned a plurality of time slots per frame for forming one radio information block **(See Paragraphs 9, 30-33, 39, 45, 80-82 and Figure 4)**.

7. Regarding **claims 2 and 8**, Bourlas teaches all aspects of the claimed invention as set forth in the rejection of claims 1 and 7 but fails to teach a method, wherein the mobile station is operated at a rate $\frac{3}{4}$ 16-QAM mobile station at a throughput of approximately $K \times 59.2$ kbps, where K is the number of occupied time slots in the frame.

Demjanenko teaches that a mobile station is operated at a rate $\frac{3}{4}$ 16-QAM mobile station at a throughput of approximately $K \times 59.2$ kbps, where K is the number of occupied time slots in the frame. **(See Figures 19 and 61. See Paragraphs 289-304; Further Demjanenko discloses that in his system a maximum throughput of 6, 144 kbits can be achieved by far exceeding the Applicant's apparatus throughput.**

Data throughput is a function of SNR and channel characteristics (Gaussian or Raleigh) and the expected BER further constraints the system.)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bourlas' apparatus to incorporate operating mobiles at a rate $\frac{3}{4}$ 16-QAM, the motivation being to use turbo codes that outperform all previously known coding schemes regardless of the targeted channel where the extra coding gain offered by these codes can be used to save bandwidth or reduce power requirements in the link budget.

8. Regarding **claims 4 and 10**, Bourlas teaches all aspects of the claimed invention as set forth in the rejection of claims 1 and 7 but fails to teach a method, wherein the mobile station is operated at a rate $\frac{5}{6}$ 64-QAM mobile station at a throughput of approximately $K \times 98.667$ Kbps kbps, where K is the number of occupied time slots in the frame.

Demjanenko teaches that a mobile station is operated at a rate $\frac{5}{6}$ 64-QAM mobile station at a throughput of approximately $K \times 98.667$ kbps, where K is the number of occupied time slots in the frame. **(See Figure 46. See Paragraphs 426-443; Further Demjanenko discloses that in his system a maximum throughput of 6, 144 kbits can be achieved by far exceeding the Applicant's apparatus throughput. Data throughput is a function of SNR and channel characteristics (Gaussian or Raleigh) and the expected BER further constraints the system.)**

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bourlas' apparatus to incorporate operating mobiles at a

rate 5/6 64-QAM, the motivation being to use turbo codes that outperform all previously known coding schemes regardless of the targeted channel where the extra coding gain offered by these codes can be used to save bandwidth or reduce power requirements in the link budget.

9. Regarding **claims 5, 11, and 15**, Bourlas teaches all aspects of the claimed invention as set forth in the rejection of claims 1, 7, and 14 but fails to teach a method wherein the modulation format is selected from one of GMSK, 8-PSK, rectangular 16 gray coded QAM, 64 gray coded QAM, and 32 cross-QAM.

Demjanenko teaches a method wherein the modulation format is selected from one of GMSK, 8-PSK, rectangular 16 gray coded QAM, 64 gray-coded QAM, and 32 cross-QAM. **(See Paragraphs 2, 146, 349 and Figure 46)**

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bourlas' apparatus to incorporate the ability to select modulation format as discussed above, the motivation being to ensure that the extra coding gained by Turbo Codes is realized.

10. Regarding **claims 6, 12, and 16**, Bourlas discloses a method wherein the radio information block comprises four TDMA frames and occupies K slots per TDMA frame, wherein the radio information block size is equal to $N=464 \cdot K \cdot \text{throughput}$ bits, where the throughput is equal to the number of information bits per data symbol. **(Bourlas teaches that variable number of slots can be assigned to a user terminal. See Paragraphs 9, 30-33, 39, 45, 80-82 and Figure 4. Data throughput is a function**

of SNR and channel characteristics (Gaussian or Raleigh) and the expected BER further constraints the system.)

11. Regarding **claims 13 and 17**, Bourlas teaches all aspects of the claimed invention as set forth in the rejection of claims 7 and 14 but fails to teach wherein the iterative coding technique comprises a turbo code, the turbo code being implemented with two n-state identical recursive systematic convolutional encoders (13.sub.8,15.sub.8) that are combined in parallel through a pseudo-random bit interleaver.

Demjanenko teaches a method wherein the iterative coding technique comprises a turbo code, the turbo code being implemented with two n-state identical recursive systematic convolutional encoders that are combined in parallel through a pseudo-random bit interleaver. **(See Figure 76 and Paragraph 667)**

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bourlas' apparatus to incorporate iterative decoding technique comprising turbo code, the motivation being to ensure that the extra coding gained by Turbo Codes is realized.

12. Regarding **claim 19**, Bourlas discloses a method, wherein the mobile station is located at the cell edge, and further comprising adjusting the granted system resources as the mobile station changes its location within the cell **(See Paragraphs 26-28)**, and retaining the granted system resources as the mobile station transitions to an edge of another cell. **(See Paragraphs 43-45. Bourlas also discloses any call admission**

request irrespective of the mobile's location will be honored as long as there is enough bandwidth to allocate for the call. See also figure 4)

13. Regarding **claim 20**, Bourlas teaches all aspects of the claimed invention as set forth in the rejection of claim 18 but fails to teach a method wherein the iterative decoding technique uses a turbo code.

Demjanenko teaches a method wherein the iterative decoding technique uses a turbo code. **(See Paragraphs 664, 667, 674, and 681. Demjanenko discloses a turbo decoder that uses iterative decoding technique.)**

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Bourlas' apparatus to incorporate iterative decoding technique that uses turbo code, the motivation being to ensure that the extra coding gained by Turbo Codes is realized.

14. **Claims 3 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourlas in view of Demjanenko as applied to claims 1 and 7 above, and further in view of Raghavan et al (US Pub. No. 2003/0134607), hereinafter referred to as Raghavan.

The combination of Bourlas and Demjanenko, teaches all aspects of the claimed invention as set forth in the rejections of claims 1 and 7 but does not disclose a method, wherein the mobile station is operated as a rate $4/5$ 32-QAM mobile station at a throughput of approximately $K \times 78.93$ kbps, where K is the number of occupied time slots in the frame.

Raghavan teaches a multi-channel communications transceiver that uses any combination of modulation systems such as PAM and QAM.

Raghavan discloses a method, wherein the mobile station is operated as a rate $\frac{4}{5}$ 32-QAM mobile station at a throughput of approximately $K \times 78.93$ kbps, where K is the number of occupied time slots in the frame. **(See Paragraphs 24, 83, 85, and 114. Data throughput is a function of SNR and channel characteristics (Gaussian or Raleigh) and the expected BER further constraints the system.)**

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Bourlas' and Demjanenko's apparatus to incorporate operating mobiles at a rate $\frac{4}{5}$ 32-QAM, the motivation being to use turbo codes that outperform all previously known coding schemes regardless of the targeted channel where the extra coding gain offered by these codes can be used to save bandwidth or reduce power requirements in the link budget.

Response to Arguments

15. Applicant's arguments filed on 22 July 2005 have been fully considered but they are not persuasive.

16. In the Remarks, in the third paragraph of page 7, Applicant argues with respect to claims 1, 7, 14, and 18, that the cited primary prior art, Bourlas et al, fails to teach "granting system resources to the mobile station based at least in part of the bandwidth requirement of the mobile station as compared to another mobile station having a lower bandwidth requirement". The Applicant further argues in the Remarks, on page 9 in lines 13-18, that Bourlas in paragraph 39 fails to disclose that "a mobile station having a high bandwidth requirement is preferentially granted system resources as is claimed".

The Applicant's argument is not persuasive and consequently the Examiner respectfully disagrees with Applicant's conclusion.

The Examiner has reviewed the support cited by the Applicant for the amended claims on page 13, in lines 14-18 of the specification. After reviewing the support cited it is the position of the Examiner that Bourlas teaches in paragraphs 39 and 40 exactly the same thing.

In paragraph 39 Bourlas teaches the mobiles request bandwidth allocation from the base station and the base station allocates bandwidth based on the user's defined quality of service, bandwidth needs and transmission quality. This means if user A is subscribing to broadband services then it needs higher bandwidth and will be assigned more bandwidth than say user B subscribing to a service requiring lower bandwidth. Certainly user A's needs have a higher precedence over user B's needs if user A is subscribing to a premium service guaranteeing a certain level of bandwidth as long as user A pays for the premium services. Bourlas further clearly establishes in paragraph 40 a mobile seeking a T1-type continuous data services is granted more bandwidth as opposed to a mobile seeking a TCP/IP bursty data services provided the bandwidth availability in the system and other parameters allow such a preferential allocation.

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following US Patents are cited to show the state of the art with respect to high-speed data transmission in a digital mobile communication system using multi-slot mobiles:

US Patent (6, 016, 311) to Gilbert et al

US Patent (6, 148, 209) to Hamalainen et al

The following US Patent Application Publications are cited to show the state of the art with respect to modulation techniques used in wireless communications:

US Pub. No. (2005/0002468) to Walton et al

US Pub. No. (2005/0053030) to Zehavi

US Pub. No. (2005/0097424) to Golitschek et al

US Pub. No. (2002/0131524) to Demjanenko et al

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Habte Mered whose telephone number is 571 272 6046. The examiner can normally be reached on Monday to Friday 9:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571 272 3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HM
01-21-2006



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